

By: Schatzline

H.B. No. 1215

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the prosecution of the offenses of indecency with a  
3 child and sexual assault.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 21.11(a), Penal Code, is amended to read  
6 as follows:

7 (a) A person commits an offense if, with a child younger  
8 than 18 [~~17~~] years of age, whether the child is of the same or  
9 opposite sex and regardless of whether the person knows the age of  
10 the child at the time of the offense, the person:

11 (1) engages in sexual contact with the child or causes  
12 the child to engage in sexual contact; or

13 (2) with intent to arouse or gratify the sexual desire  
14 of any person:

15 (A) exposes the person's anus or any part of the  
16 person's genitals, knowing the child is present; or

17 (B) causes the child to expose the child's anus  
18 or any part of the child's genitals.

19 SECTION 2. Section 22.011(c)(1), Penal Code, is amended to  
20 read as follows:

21 (1) "Child" means a person younger than 18 [~~17~~] years  
22 of age.

23 SECTION 3. Section 1(1), Article 38.074, Code of Criminal  
24 Procedure, is amended to read as follows:

1           (1) "Child" means a person younger than 17 years of age  
2 ~~[has the meaning assigned by Section 22.011(c), Penal Code].~~

3           SECTION 4. Article 42A.453(c), Code of Criminal Procedure,  
4 is amended to read as follows:

5           (c) If a judge grants community supervision to a defendant  
6 described by Subsection (b) and the judge determines that a child  
7 younger than 17 years of age ~~[as defined by Section 22.011(c), Penal~~  
8 ~~Code,~~] was the victim of the offense, the judge shall establish a  
9 child safety zone applicable to the defendant by requiring as a  
10 condition of community supervision that the defendant:

11           (1) not:

12                   (A) supervise or participate in any program that:

13                           (i) includes as participants or recipients  
14 persons who are 17 years of age or younger; and

15                           (ii) regularly provides athletic, civic, or  
16 cultural activities; or

17                   (B) go in, on, or within 1,000 feet of a premises  
18 where children commonly gather, including a school, day-care  
19 facility, playground, public or private youth center, public  
20 swimming pool, video arcade facility, or general residential  
21 operation operating as a residential treatment center; and

22           (2) attend psychological counseling sessions for sex  
23 offenders with an individual or organization that provides sex  
24 offender treatment or counseling as specified or approved by the  
25 judge or the defendant's supervision officer.

26           SECTION 5. Section 508.187(b), Government Code, is amended  
27 to read as follows:

1 (b) A parole panel shall establish a child safety zone  
2 applicable to a releasee if the panel determines that a child  
3 younger than 17 years of age [~~as defined by Section 22.011(c), Penal~~  
4 ~~Code,~~] was the victim of the offense, by requiring as a condition of  
5 parole or mandatory supervision that the releasee:

6 (1) not:

7 (A) supervise or participate in any program that  
8 includes as participants or recipients persons who are 17 years of  
9 age or younger and that regularly provides athletic, civic, or  
10 cultural activities; or

11 (B) go in, on, or within a distance specified by  
12 the panel of premises where children commonly gather, including a  
13 school, day-care facility, playground, public or private youth  
14 center, public swimming pool, or video arcade facility; and

15 (2) attend for a period of time determined necessary  
16 by the panel psychological counseling sessions for sex offenders  
17 with an individual or organization that provides sex offender  
18 treatment or counseling as specified by the parole officer  
19 supervising the releasee after release.

20 SECTION 6. The changes in law made by this Act apply only to  
21 an offense committed on or after the effective date of this Act. An  
22 offense committed before the effective date of this Act is governed  
23 by the law in effect on the date the offense was committed, and the  
24 former law is continued in effect for that purpose. For purposes of  
25 this section, an offense was committed before the effective date of  
26 this Act if any element of the offense occurred before that date.

27 SECTION 7. This Act takes effect September 1, 2025.